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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

THE PEOPLE,

Plaintiff and Respondent,

v.

ALBERT GARCIA,

Defendant and Appellant.

B251468

(Los Angeles County
Super. Ct. No. MA059386)

APPEAL from a judgment of the Superior Court of Los Angeles County, Kathleen Blanchard, Judge. Affirmed.

Richard L. Fitzer, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Defendant, Albert Garcia, appeals after he pled no contest to firearm possession by a felon. (Pen. Code,¹ § 29800, subd. (a)(1).) In addition, defendant admitted he had previously been convicted of a serious felony. (§§ 667, subds (b)-(i), 1170.12.) The preliminary hearing testimony indicates defendant was stopped by sheriff's deputies in Lancaster. Defendant, the driver, was asked to get out of the car. As he was doing so, a nine-millimeter handgun was discovered in his waistband. Phillip Lopez was a passenger in the car. Directly behind Mr. Lopez's seat was a 12-gauge shotgun. Both firearms were operable. After being held to answer, a section 1538.5 suppression of evidence motion was denied. The evidence indicated defendant, while driving, swerved between and straddled lanes while driving eastbound on Avenue J in Lancaster. Defendant was sentenced to prison for six years. The appropriate fines and penalties were imposed. The oral pronouncement of judgment imposed section 1202.4, subdivision (b)(1) and 1202.45 restitution fines in the sums of \$1,580 on defendant. The original abstract of judgment erroneously stated the sections 1202.4, subdivision (b)(1) and 1202.45 restitution fines were in the sums of \$1,680. The abstract of judgment was corrected after the notice of appeal was filed.

We appointed counsel to represent defendant on this appeal. After examining the record, appointed appellate counsel filed an "Opening Brief" in which no issues were raised. Instead, appointed appellate counsel requested that we independently review the entire record on appeal pursuant to *People v. Wende* (1979) 25 Cal.3d 436, 441-442. (See *Smith v. Robbins* (2000) 528 U.S. 259, 277-284.) We advised defendant that he had 30 days within which to personally submit any contentions or arguments he wishes us to

¹ Future statutory references are to the Penal Code.

consider. No response has been received. We have examined the entire record and are satisfied appointed appellate counsel has fully complied with his responsibilities.

The judgment is affirmed.

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TURNER, P. J.

We concur:

MOSK, J.

GOODMAN, J.*

* Judge of the Los Angeles Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.